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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/439,157

11/12/1999

YUKI HIRAYAMA

JA9-98-228

1299

25259

7590

04/21/2004

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EXAMINER

LU, TOM Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/21/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/439,157

Applicant(s)

HIRAYAMA, YUKI

Examiner

Tom Y Lu

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/01/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment and written response filed on April 1<sup>st</sup>, 2004 has been entered upon entry of Request for Continued Examination.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks, page 4-11, filed April 1<sup>st</sup>, 2004, with respect to Claims 1-4 have been fully considered and are persuasive. The 35 U.S.C. 102 (b) rejection of Claims 1-4 has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Referring to Claim 1, the claim language appears to be ambiguous. For example, "an image of a template" at line 4 seems to be referring to "an associated image as a template" at line 2, however, if so, the terminology needs to be consistent. In addition, the correspondence of "said image" at line 6 is unknown, which can be referred to either of the "an image" as indicated at line 3 or 5 respectively. Moreover, with presence of "a most matching template", there should be two or more templates stored and compared, however, it appears only singular template is present in the claim.

Art Unit: 2621

- b. Referring to Claim 3, “an image” at line 5 seems to be referring to the “an image” at line 2, which should be corrected as “said image”, if not, then the correspondence of “said image” at line 7 once again is unknown. In addition, “at least one template image” should be “at least one template images”.
- c. With regard to Claim 4, see explanation in Claim 3.

***Allowable Subject Matter***

- 4. Claims 1, 3-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Independent claims 1, 3-4 defines features of comparing an image in the vicinity of a coordinate obtained from appoint device in a graphical user interface with template images; locating a most matching template and its position on the image; and from the position on the image and position correction information associated with the template, calculating a final pointing position. These features in claims 1 and 3-4, which are the broadest allowable claims, are not taught or suggested by the art of record.

- 5. Claim 2 is allowed.

The following is an examiner’s statement of reasons for allowance:

Independent Claim 2 defines means for selecting an image area from an image in a graphical user interface to be subject of a template; means for selecting a point in said image area with a pointing device; and means for storing said selected point as position correction information associated with said template image. These features in

Art Unit: 2621

combination with other features in Claim 2, which is the broadest allowable claim, are not taught or suggested by the art of record.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

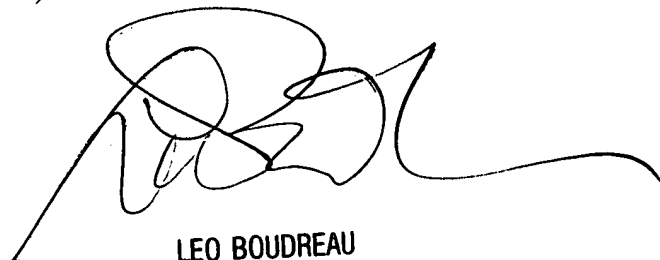
- a. Moon et al, U.S. Patent No. 6,259,436 B1, see figures 4 and 5.
- b. Koitabashi et al, U.S. Patent No. 5,640,243, see figure 6.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
TECHNICAL STAFF OF USPTO